

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

FILED

JUN - 9 2009

TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West Virginia

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:09-00150
18 U.S.C. § 242

MATTHEW A. LEAVITT

I N F O R M A T I O N

The United States Attorney Charges:

COUNT ONE

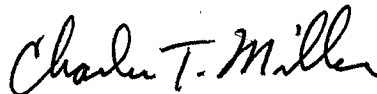
On or about September 26, 2008, in the City of Montgomery, West Virginia, and within the Southern District of West Virginia, defendant MATTHEW A. LEAVITT, then an officer with the Montgomery, West Virginia Police Department, while acting under color of the laws of the State of West Virginia, did willfully and unlawfully arrest and hold in custody Lauren Santella-Reynolds on a charge of driving under the influence of alcohol or a controlled substance, in violation of West Virginia Code, Chapter 17c, Article 5, Section 2, without probable cause to believe Lauren Santella-Reynolds had committed the crime of driving under the influence of alcohol or controlled substance, and did thereby willfully deprive Lauren Santella-Reynolds of the rights secured and protected by the Constitution of the United States not to be deprived of liberty without due process of law, which includes the right to be free

from arrest and seizure without probable cause by one acting under color of law, all in violation of Title 18, United States Code, Section 242.

COUNT TWO

On or about September 26, 2008, in the City of Montgomery, West Virginia, and within the Southern District of West Virginia, defendant MATTHEW A. LEAVITT, then an officer with the Montgomery, West Virginia Police Department, while acting under color of the laws of the State of West Virginia, did knowingly and unlawfully strike Twan D. Reynolds with a weapon commonly known as a "slap jack," and did thereby willfully deprive Twan D. Reynolds of the rights secured and protected by the Constitution of the United States to be free from the use of unreasonable force by one acting under color of law, in violation of Title 18, United States Code, Section 242.

UNITED STATES OF AMERICA

A handwritten signature in black ink, reading "Charles T. Miller". The signature is written in a cursive, flowing style.

CHARLES T. MILLER
United States Attorney